

PERRY HEATH'S
BANK SUSPENDS.

Seventh National of New York Closes
—Mr. Heath, Now in Salt Lake, Talks
to the Deseret News.

New York, June 27.—The Seventh National bank was closed at 10:45 today, when the following notice was posted on its doors:

"This bank is in the hands of the comptroller of the currency."
"FOREST RAYNOR,
"National Bank Examiner."

At the same time William Nelson Cromwell, the bank's attorney, gave out the following statement:

"In justice to the depositors and stockholders of the Seventh National bank, William Nelson Cromwell, the bank's attorney, has advised the bank to suspend payment."

This action was taken after a protracted conference in the directors' room of the bank which was participated in by the new president, Edward R. Thomas, ex-President William H. Kimball, Edwin Gould, Lorenzo Semple, who is one of the directors, and several other members of the board.

The statement of the Seventh National bank for the week ending June 22, 1901, to the clearing house was as follows: Capital, \$375,000; net profits, \$234,400; loans, \$4,407,100; specie, \$557,700; legal tender, \$777,700; deposits, \$5,712,400; per centage of reserve 23.4-10.

After the suspension of the bank the following statement was made at the clearing house:

DEBTOR FOR \$644,108.55.

At the clearing house this morning the Seventh National bank came in debtor \$644,108.55. The clearing house committee has been in session since 9:30 awaiting the results of the clearing. When it was found the debt balance was so heavy the committee communicated with the officers of the bank and was informed that the board of directors was in session, and that a decision would be arrived at within fifteen or twenty minutes as to the action of the bank. In consequence of this statement, the clearings were held back thirty minutes. At 10:45 a. m. Mr. Nelson Cromwell, the bank's attorney, came into the clearing house and informed the committee that in view of their heavy debt balance and for other reasons it was considered wise that the bank should temporarily suspend. The clearing house committee thereupon directed the manager of that institution to eliminate from the clearings all operations of the Seventh National bank."

A member of the clearing house committee says that at this morning's meeting the name of no institution other than the Seventh National bank was mentioned. The Seventh National bank was the custodian of the funds of the New York postoffice. Assistant Postmaster Morgan said:

"The post office is amply protected. When the account was opened the bank put up \$250,000 in government bonds as security. The present state of the postoffice account is such that I do not know but am investigating it."

At 11:30 o'clock the officials of the clearing house posted the following notice:

"Checks drawn by the Manhattan state hospital will be paid at the Chase National bank. Drafts drawn by the St. Lawrence county bank, Canton, N. Y., will be paid at the Chase National bank."

Among the institutions having close business relations with the Seventh National was the stock brokerage firm of Marquand & Co., Frank B. Poor, of New York, made the following statement after the bank's suspension:

"From the outlook just now I think we are going on. At the same time we cannot tell. Just now everything is uncertain in the business world, but I believe we will get through."

The Seventh National bank was originally the old Seventh Ward bank and was established in 1833. For a long time it was the stock of the bank was held by John A. McInerney, a southerner, who was president of the bank. In May, 1898, First Assistant Postmaster Perry S. Heath practically acquired a controlling interest in the stock of the bank and on July 4 Wm. H. Kimball resigned as national bank examiner to become vice president of the Seventh, several changes in the directorate being made at the same time. Josiah Quincy of Boston, was one of the directors elected then.

On August 2, 1899, Mr. McInerney, resigned the presidency and Vice President Kimball was elected in his stead. Fletcher S. Heath was elected vice president.

The officers and directors are as follows: E. R. Thomas, president; Fletcher S. Heath, vice president; George W. Adams, cashier; Directors—George W. Adams, Eugene Bissell, Thomas M. Boyd, Fletcher S. Heath, Perry S. Heath, Erskine Hewitt, Wm. H. Kimball, Alexander McDonald, Guy O. Major, Wm. P. Orr, Josiah Quincy, Frank H. Raney, John A. Sullivan, W. H. Taylor, Samuel Thomas.

ONLY A RIPPLE ON WALL STREET.

Later it was learned from an authoritative source that the bank has on deposit \$267,000 of postal funds, all of which is amply secured by bonds.

PERRY S. HEATH IS SURPRISED.

Tells the Deseret News That Conditions Were All Right When
He Left New York Four Weeks Ago.

Hon. Perry S. Heath on being shown the substance of the above report by a "News" man smiled and said, "I don't know what it is all about. I positively cannot understand the origin of these sensational reports respecting our bank. Why, it hasn't been over four weeks since I was in New York and attended

the announcement of the suspension caused only a ripple in the stock market. The first selling of stocks which followed the announcement of the suspension interrupted a recovery in prices and caused a re-action of 1 to 2 1/2 points in some of the principal stocks. The offering of large sums of money on the exchange at 6 per cent and large buying orders placed in the market rallied prices and left the stock market dull but somewhat feverish until noon.

In banking circles it was said that the Seventh National's heavy debt balance today was the result of the news of the bank's embarrassment on Tuesday being telegraphed throughout the country. Interior institutions having money deposited with the bank drew on the bank and these drafts, all coming in at the same time, were too much for the institution.

The suspended institution is in the hands of the comptroller of the currency, who has appointed Forest Raynor as temporary receiver. Mr. Raynor's examination of the loans of the bank is understood to have proved that the collateral security of them was weak in some instances.

The objection of the bank examiner to these collateral securities is said to have decided Mr. Cromwell to advise the suspension.

President Oakley Thorn, of the North American Trust company, which had some business relations with the Seventh National, said his corporation was not in any way affected by the suspension of the Seventh National. When asked as to the effect of the failure, he said:

"I don't know anything about any concern except our own and that, I can assure you, is all right. If any concern is affected by the subject, I can recommend him to the state bank examiner. His statement will, I am sure, be taken. I know there are rumors connecting me with the trouble of the bank, but they are merely rumors. I am happy to say we are all right."

Another director said that the bank would be reopened in eight days. Advertisements were printed in the afternoon papers offering to buy Seventh National bank stock. The offer was made by the bank, but they are merely rumors. I am happy to say we are all right."

COMPTROLLER DAVES TALKS.

Washington, June 27.—Comptroller Daves today ordered the closing of the Seventh National bank of New York and appointed Forest Raynor, bank examiner, temporary receiver. Later the comptroller made the following statement:

"Comptroller Daves stated that on Tuesday he received word from the national bank examiner that Henry Marquand & Company had recently become indebted in a sum approximating \$1,600,000 to the Seventh National bank of New York, which was secured by collateral of a doubtful nature. Upon receipt on Wednesday of further information regarding the nature of the collateral securing this loan he sent a telegram to E. R. Thomas, president of the Seventh National bank as follows:

"I have just received information from the national bank examiner that Henry Marquand & Company have loans of large amount in your bank approximating \$1,600,000. Unless promptly and satisfactorily assured that this loan will be taken up and cash therefor put into the bank by Saturday night, June 23, I will appoint a receiver for the bank. Please confer with your board of directors and announce this to them."

"In explanation of the conditions imposed, the comptroller stated that while advances had been made by the directors to the bank, they had been made upon the credit of good security advanced by the bank, but that no such advances affected the bank's solvency while the Henry Marquand paper remained. It was necessary therefore for him in the performance of his duty to promptly foreclose upon the bank, before further withdrawals of deposits were made. The comptroller stated that the Marquand loan is partially secured, and it is hoped that the loss to the depositors will not be large."

The following is the statement of the resources and liabilities of the Seventh National of New York, as shown by the report of its condition at the close of business April 24, 1901:

LIABILITIES.

Capital stock, \$375,000; surplus and undivided profits, \$234,400; circulation of currency, \$238,500; due to trust companies and savings banks, \$412,797; due to national banks and bankers, \$974,210; individual deposits, \$5,238,025; United States deposits, \$210,353. Total liabilities, \$7,668,265.

RESOURCES.

Loans and discounts, \$2,737,172; stocks, securities, claims, etc., \$123,332; United States bonds and premiums, \$571,474; banking house, \$5,000; cash on hand and with other banks, \$4,181,278. Total resources, \$7,668,265.

Later it was learned from an authoritative source that the bank has on deposit \$267,000 of postal funds, all of which is amply secured by bonds.

PERRY S. HEATH IS SURPRISED.

Tells the Deseret News That Conditions Were All Right When
He Left New York Four Weeks Ago.

Hon. Perry S. Heath on being shown the substance of the above report by a "News" man smiled and said, "I don't know what it is all about. I positively cannot understand the origin of these sensational reports respecting our bank. Why, it hasn't been over four weeks since I was in New York and attended

move was made imperative because we haven't room enough to carry on the business of the bank. I certainly do not regard those as symptoms of an impending failure.

"This morning I received a telegram from my brother, Fletcher Heath, who is a director of the bank, assuring me that there was nothing in the reports reflecting on the credit of the bank; that it was as strong as it ever was. A little later an associated press man came in and thrust one of the above dispatches in my face and asked me how I felt about it. I told him that I did not understand what it was. While my faith in the bank is unshaken it is possible that unforeseen complications might have arisen and I have telegraphed my brother for full particulars, but have received no word. I am, however, one of the oldest in New York city, having been founded in 1833, and is backed by several millionaires, including Edwin Gould. There may be conclusions that I do not understand, but so far as I can see I know of no reason why the bank should suspend payment."

WOMEN AT PRESTON.

Members of the Relief Society of Oneida State, Idaho, held a conference in the St. Andrew's building at Preston on Monday at which President Parkinson and counselors of the State and many of the bishops were present. Mesdames Emmeline B. Wells, Sarah J. Cannon and Lydia B. Aldrich of Salt Lake were in attendance, the latter having recently returned from England. There was splendid singing and a very enjoyable time was had by the ladies. Mrs. Parker, wife of the president of the Relief Society, was elected second counselor of the State society.

THE STORY OF A TELEGRAM.

Was Not Delivered as Directed and
\$29,750 Damages Wanted.

The case of Mosby, Kimball and Germaine against the Western Union Telegraph company was tried this morning before Judge Marshall and jury in the Federal court. The case is a suit to recover \$29,750 damages alleged by the plaintiffs to have been sustained by themselves as a result of carelessness on the part of the defendant company in the delivery of a telegram. The telegram, it is alleged, contained a notice of a large fire, and the plaintiffs claim that it was not delivered as directed, and that the fire was not extinguished until it was too late to save the property.

The further hearing of the testimony and arguments in the case was continued this afternoon before Judge Marshall. The court found in favor of the plaintiffs in the sum of eighty cents. The jury was then directed to find for the plaintiffs in the sum of \$29,750, with interest and costs.

VERDICT FOR EIGHTY CENTS.

The further hearing of the testimony and arguments in the case was continued this afternoon before Judge Marshall. The court found in favor of the plaintiffs in the sum of eighty cents. The jury was then directed to find for the plaintiffs in the sum of \$29,750, with interest and costs.

J. P. HAYS ARRAIGNED.

Young Man Charged With Forgery
Waives Examination.

(Special to the "News.")

Ogden, June 27.—J. P. Hays, the young man who was arrested in Salt Lake Tuesday night on the charge of having forged the name of the president of the Southern Pacific railway to a ticket over that road, was brought to Ogden last night. This morning he was arraigned before Justice Parker J. Hall on the charge named, but waived examination. He was held in a bond of \$1,000, in default of which he was recommitted to the county jail.

The young man claims to be a nephew of President Hays of the Southern Pacific.

John McCoyvigen was arraigned before Justice Thomas Champey today, charged with a \$300 on the person of John Koyne. He was fined \$20 and costs, making \$30.

McCoyvigen, it is said, knocked Koyne down and trampled upon him, inflicting severe injuries about his ribs.

PENSIONS FOR UTAH PEOPLE.

(Special to the "News.")

Washington, D. C., June 27.—Utah pensions granted, original, William H. Brown, Ogden, \$8, Increase, Henry Jordan, Salt Lake City, \$12.

Utah, Lake Point, Tooele county, William S. Moss, vice Emil E. Feller, resigned; Clinton, Utah county, Emma A. Sargent, vice Annie E. Welson, resigned.

Idaho, Thermo, Owyhee county, Miss Lizzie E. Bunce, vice Miss M. E. Farady, resigned.

HOUSEBREAKER ESCAPES.

Taken Out With the Chain Gang Before Arraignment.

In Judge Timmony's court this afternoon the names of Norman Weston and Joseph T. Edwards were called out but Weston failed to respond. The men were arrested yesterday afternoon by Detectives Sheets and Janney on the charge of housebreaking. It was alleged that they broke into Sam Appleman's place on east Second Street and stole two pairs of trousers. When Weston failed to answer to his name it developed that this morning he was taken out to work on the chain gang, and when passing Seventh East he became tired of riding and jumping from the wagon made his escape. Guard Bush fired three shots at him, puncturing the atmosphere in three different places.

Just why a prisoner who has not been arraigned on any charge should be made to go out with the chain gang has not yet been explained by the officers around police headquarters. It is thought that the mistake was made on account of so many prisoners being in jail at the same time.

Edwards, Weston's partner, declined to enter a plea and his case was continued until tomorrow. In default of \$300 he was remanded to the county jail.

DIPLOMATIC

RELATIONS RESUMED.

Vienna, June 27.—Count Gilbert von Hohenwart von Gerlachstein has been appointed Austro-Hungarian minister to Mexico. Diplomatic relations between Austro-Hungary and Mexico, interrupted since 1867, the year Emperor Maximilian was shot, are thus formally resumed.

MURDERED BY
BLACKMAILERS.

Burned a Woman to Death to
Extort Money.

THEY DEMANDED \$5,000.

Husband Paid No Attention to Threats
to Burn His House—Second Letter
Ignored, Then House Fired.

Topeka, Kansas, June 27.—Horribly burned and dying in intense agony was the fate of Mrs. W. C. Carlson, wife of a Cowley county farmer, because her husband refused to deposit \$5,000 in a place named by unknown blackmailers. Three weeks ago Carlson, who is wealthy, received an anonymous note requesting him to bury \$500 at the foot of a certain telephone pole under penalty of having his house burned. The suggestion was ignored. One week later another anonymous note was received stating that if \$5,000 was not deposited within a week his house would be burned and he would be killed. No attention was paid to the second communication and on Saturday night while Mr. Carlson was en route to attend for mail the house was fired. Mrs. Carlson was found about ten feet from the ruins by Mr. Dunn, a neighbor, horribly burned and insensible. She was taken to the Topeka hospital, where she rallied before dying Sunday to relate her knowledge of the transaction. She rushed outside when she discovered the fire, but remembered some valuable papers and a treasure chest which she tried to save them. From that moment her mind was a blank until she awoke in the home of Mr. Dunn.

LEIPSIGER BANK FAILURE.

The Stock and All the Reserve Un-
doubtedly Lost.

Berlin, June 27.—It turns out that the report of the Leipzig bank, published yesterday, was misleading. Reliable information shows that the sum of 11,000,000 marks, which formed the bulk of assets, includes 5,000,000 marks loaned to the Cassel Treuhand-Trading company, of which only a small part can be realized upon.

The Leipzig bank today says the Leipzig bank quite recently advanced another 15,000,000 marks to the Cassel Treuhand-Trading company, after it was known that the latter was insolvent.

Representatives of the leading banks of Berlin say there is no doubt all the stock of the Leipzig bank and its reserve amounting to 62,000,000 marks are lost. The President of the Leipzig bank refuses to handle the Leipzig bank stock. The policy of the Leipzig bank's board of directors has for years been such as to lead to the belief that other arrests on the charge of culpable negligence will follow the taking into custody of Herr Exner. The members of the board of directors in-

cluded some of Leipzig's wealthiest citizens.

The Berlin, Leipzig and Dresden morning papers express the highest indignation at the conduct of the Leipzig bank directors and demand a searching investigation. The Vossische Zeitung editorially says:

"In view of the whole series of recent failures, it is evident that the present German system of board of directors or trustees urgently requires reforming or abolishing, the latter preferred."

LEIPSIGER BANK DIRECTOR ARRESTED.

Leipzig, June 27.—Herr Exner, director of the Leipzig bank which suspended payment Tuesday, June 25, has been arrested. The public prosecutor is investigating the affairs of the bank.

BARKER GETS FIVE YEARS.

Was Convicted of a Felonious As-
sault on Rev. John Keller.

New York, June 27.—Thomas G. Barker, convicted in the Hudson county court at Jersey City last week of felonious assault upon the Rev. John Keller, of Arlington, was today sentenced to five years' imprisonment in the state penitentiary.

A Dead Man's Body Found.

Ponca, Neb., June 27.—The body of a man, supposed to be a cattle buyer named Martin Ayres, was found last evening by farmers under a bridge, 16 miles west of here. No money was found on the body, and it is thought the man was held up and murdered.

Consolidates Charged With Murder.

Seattle, Wash., June 27.—The coroner's jury today rendered a verdict that William L. Meredith was murdered by John Considine, assisted by Tom Considine, Detective A. G. Lane has sworn out warrants charging both the Considines with murder.

LIEUT. ED. DOWNS KILLED.

Was Slain in Southern Part of Island
of Samar.

Manila, June 27.—Lieut. Edward Downs, of the First Infantry, and one private of that regiment have been killed in the southern part of the island of Samar.

Capt. Woodburn, (7), of the Nineteenth Infantry, has captured Samar's company in the island of Bohol. Private Kraus, of that regiment, was killed and four men were wounded.

Lieut. Min McNaughton has captured 54 insurgents in the northwestern part of the province of Tayabas, island of Luzon.

The Army Register gives the name of Maj. Thomas C. Woodbury, of the Tenth Infantry, but does not mention a Capt. Woodburn.

Heavy Storms in Prussia.

Berlin, June 27.—News received here from Königsberg, Prussia, shows that the whole of the Rominien district has been devastated since June 24 by hail storms and cloudbursts. Emperor William's estate at Rominien has been greatly damaged. His majesty today upon receipt of the news, ordered that speedy relief be sent, and himself forwarded a large sum of money to be distributed among the sufferers.

Boers Attack Richmond.

Richmond, Cape Colony, June 27.—A large force of Boers, numbering 1,000 men and 500 horses, attacked Richmond at daybreak June 25. The fighting lasted until dusk, when the Boers retired on the approach of British reinforcements.

Boers Attack Richmond.

Richmond, Cape Colony, June 27.—A large force of Boers, numbering 1,000 men and 500 horses, attacked Richmond at daybreak June 25. The fighting lasted until dusk, when the Boers retired on the approach of British reinforcements.

Boers Attack Richmond.

Richmond, Cape Colony, June 27.—A large force of Boers, numbering 1,000 men and 500 horses, attacked Richmond at daybreak June 25. The fighting lasted until dusk, when the Boers retired on the approach of British reinforcements.

Boers Attack Richmond.

Richmond, Cape Colony, June 27.—A large force of Boers, numbering 1,000 men and 500 horses, attacked Richmond at daybreak June 25. The fighting lasted until dusk, when the Boers retired on the approach of British reinforcements.

Boers Attack Richmond.

Richmond, Cape Colony, June 27.—A large force of Boers, numbering 1,000 men and 500 horses, attacked Richmond at daybreak June 25. The fighting lasted until dusk, when the Boers retired on the approach of British reinforcements.

THE STATE SALARY
CONTROVERSY.

Attorney-General Breeden Compiles What
He Thinks Was the Intention of the
Framers of the Constitution.

Attorney-General Breeden sent the following to the "News" today with the request that it be published:

"There is a misapprehension, and consequently many misstatements, as to the intention of the framers of our constitution, respecting the salaries of state officers, and the power of the legislature to raise or lower them, during the terms for which they were elected. The people ought to know the facts. Conclusions hastily formed are often erroneous. Therefore without discussing, or giving my opinion of the legal effect of the constitutional provision affecting state officers' salaries, which has furnished such abundant food for the newspaper writers and artists of the city.

"I will present the views which seemed to prevail, concerning this subject, among the members of the convention. Its whole tenor was in favor of adjusting small salaries to begin with for fear that large or even reasonable salaries would scare the people and possibly result in the defeat of the constitution. In order to correctly arrive at the intention of the members of the constitutional convention, resort must be had to the proceedings of the convention. When the question of the salary of the attorney general was being discussed, Mr. Squires made the following remarks:

"IN THE CONVENTION.

"Mr. Chairman: I want to call the attention of the convention and especially Mr. Hart to the fact that the compensation now provided will only be during the pleasure of the legislature. The first legislature may change it. These figures are put in here for the first term. It might not last more than one term at the figures named."

No one will question the ability and honesty of the attorney general. In discussing the salary of the attorney general, he said among other things: "This article (VII) also provides that the salaries fixed here shall continue such unless otherwise provided by law. If the legislature imposes other duties upon him, the same legislature, if they find in their judgment that fifteen hundred dollars is not enough in compensation of the extra duties they are imposing upon him, it will be their duty to raise the salary in accordance with the duties that are imposed on the officer."

"Page 102, Proc. Con. Conv."

In the further discussion of the salary of the attorney general, Mr. Varian said, inter alia, in speaking of one who might be elected outside of Salt Lake City, "he would certainly have to depend alone on his salary for his first term. Now if the legislature should impose additional duties upon him, still that legislature cannot increase his compensation during the term for which he has been elected, because you prohibit that in this Constitution, that is the intention, as I understand it, to prohibit the increasing or diminishing of his salary during the term of the incumbent; all of those things ought to be considered, of course." Page 102, Proc. Con. Conv.

Mr. Thurman said: "In view of the suggestion made by the gentlemen, which had not occurred to me before, that a salary could not be changed, would it not be better in this convention to provide an exception in the case of the first officers, and permit the legislature to fix it in accordance with the increased duties that they may impose?"

Mr. Varian: "Well, I do not know, Mr. Chairman, it occurs to me."

The Chair: "That is not before the committee any way."

Mr. Malone: "Another sound lawyer, deep-dyed Democrat, said: 'I say the whole matter ought to be fixed as low as possible, then let the Legislature fix the salaries.'" Page 103, Proc. Con. Conv.

In discussing the salary for superintending of public instruction, Mr. Farr said, among other things: "I think one

"otherwise provide by law" and increased the state officers' salaries and appropriated funds therefor. These are about the facts as I understand them, and not wishing me to intend to give my views as to the constitutionality of the act of the legislature, I present the foregoing to the readers of your paper that they may have before them the whole case as it really stands, in closing, that there is not a state officer in Utah, who has any intention to "grab salary" unlawfully. Truly

M. A. BREEDEN.

CONCLUDING COMMENT.

I submit the foregoing extracts, taken from the proceedings of the constitutional convention, simply for the purpose of advising the people of the sentiment and apparent design of the members of the Constitutional convention concerning the power conferred upon the legislature, respecting the fixing of salaries of state officers. Judge Varian appears to be the only member of the convention who gave positive expression to any doubts relating to the power of the legislature to fix the salaries of state officers, in accordance with whatever additional duties that the legislature might see fit to impose upon them.

The last legislature passed an act increasing the salaries of the state officers. The authority of the legislature to do so, for the present incumbents, has been questioned. Lawyers differ upon this question, as they do upon most questions; some holding to the opinion that the legislature is prohibited from increasing the salaries of the present incumbents, while others hold to the contrary. The constitution, however, contains no provision in the clause of section 20 of article VII of the Constitution, as expressive of the intention of the convention and granting this power to the legislature. The clause referred to is as follows:

"The compensation of the officers provided for by this article until otherwise provided by law, is fixed as follows:

"The last legislature attempted to 'otherwise provide by law' and increased the state officers' salaries and appropriated funds therefor. These are about the facts as I understand them, and not wishing me to intend to give my views as to the constitutionality of the act of the legislature, I present the foregoing to the readers of your paper that they may have before them the whole case as it really stands, in closing, that there is not a state officer in Utah, who has any intention to 'grab salary' unlawfully. Truly

M. A. BREEDEN.

CONCLUDING COMMENT.

I submit the foregoing extracts, taken from the proceedings of the constitutional convention, simply for the purpose of advising the people of the sentiment and apparent design of the members of the Constitutional convention concerning the power conferred upon the legislature, respecting the fixing of salaries of state officers. Judge Varian appears to be the only member of the convention who gave positive expression to any doubts relating to the power of the legislature to fix the salaries of state officers, in accordance with whatever additional duties that the legislature might see fit to impose upon them.

The last legislature passed an act increasing the salaries of the state officers. The authority of the legislature to do so, for the present incumbents, has been questioned. Lawyers differ upon this question, as they do upon most questions; some holding to the opinion that the legislature is prohibited from increasing the salaries of the present incumbents, while others hold to the contrary. The constitution, however, contains no provision in the clause of section 20 of article VII of the Constitution, as expressive of the intention of the convention and granting this power to the legislature. The clause referred to is as follows:

"The compensation of the officers provided for by this article until otherwise provided by law, is fixed as follows:

"The last legislature attempted to 'otherwise provide by law' and increased the state officers' salaries and appropriated funds therefor. These are about the facts as I understand them, and not wishing me to intend to give my views as to the constitutionality of the act of the legislature, I present the foregoing to the readers of your paper that they may have before them the whole case as it really stands, in closing, that there is not a state officer in Utah, who has any intention to 'grab salary' unlawfully. Truly

M. A. BREEDEN.

CONCLUDING COMMENT.

I submit the foregoing extracts, taken from the proceedings of the constitutional convention, simply for the purpose of advising the people of the sentiment and apparent design of the members of the Constitutional convention concerning the power conferred upon the legislature, respecting the fixing of salaries of state officers. Judge Varian appears to be the only member of the convention who gave positive expression to any doubts relating to the power of the legislature to fix the salaries of state officers, in accordance with whatever additional duties that the legislature might see fit to impose upon them.

The last legislature passed an act increasing the salaries of the state officers. The authority of the legislature to do so, for the present incumbents, has been questioned. Lawyers differ upon this question, as they do upon most questions; some holding to the opinion that the legislature is prohibited from increasing the salaries of the present incumbents, while others hold to the contrary. The constitution, however, contains no provision in the clause of section 20 of article VII of the Constitution, as expressive of the intention of the convention and granting this power to the legislature. The clause referred to is as follows:

"The compensation of the officers provided for by this article until otherwise provided by law, is fixed as follows:

"The last legislature attempted to 'otherwise provide by law' and increased the state officers' salaries and appropriated funds therefor. These are about the facts as I understand them, and not wishing me to intend to give my views as to the constitutionality of the act of the legislature, I present the foregoing to the readers of your paper that they may have before them the whole case as it really stands, in closing, that there is not a state officer in Utah, who has any intention to 'grab salary' unlawfully. Truly

M. A. BREEDEN.

CONCLUDING COMMENT.

I submit the foregoing extracts, taken from the proceedings of the constitutional convention, simply for the purpose of advising the people of the sentiment and apparent design of the members of the Constitutional convention concerning the power conferred upon the legislature, respecting the fixing of salaries of state officers. Judge Varian appears to be the only member of the convention who gave positive expression to any doubts relating to the power of the legislature to fix the salaries of state officers, in accordance with whatever additional duties that the legislature might see fit to impose upon them.

The last legislature passed an act increasing the salaries of the state officers. The authority of the